

Marc Van Der Hout (California Bar # 80778)
Zachary Nightingale (California Bar #184501)
Stacy Tolchin (California Bar # 217431)
Avantika Shastri (California Bar # 233453)
Van Der Hout, Brigagliano & Nightingale, LLP
180 Sutter Street, Fifth Floor
San Francisco, California 94104
Telephone: (415) 981-3000
Facsimile: (415) 981-3003

Attorneys for Plaintiff
Jie Jian JIANG

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Jie Jian JIANG

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY;
David STILL, in his Official Capacity, Director, San
Francisco United States Citizenship and Immigration
Services; and Michael CHERTOFF, in his Official
Capacity, Secretary of the Department of Homeland
Security,

Defendants.

Case No. C 07-00957 PJH

**PLAINTIFF'S MOTION TO
DISMISS ACTION; AND
[PROPOSED] ORDER**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff, by and through his attorneys of record, hereby moves this Court to dismiss the above-entitled action without prejudice.

Date: April 30, 2007

Respectfully submitted,

Marc Van Der Hout
Zachary Nightingale
Stacy Tolchin
Avantika Shastri
Van Der Hout, Brigagliano & Nightingale, LLP
180 Sutter Street, Fifth Floor
San Francisco, California 94104
Telephone: (415) 981-3000
Facsimile: (415) 981-3003

Attorneys for Plaintiff

by: ___/s/_____
Zachary Nightingale

ORDER

Pursuant to Plaintiff's motion, IT IS SO ORDERED.

Date: 4/30/07



PROOF OF SERVICE BY MAIL

I, Zachary Nightingale, the undersigned, say:

I am over the age of eighteen years and not a party to the within action or proceedings; my business address is Van Der Hout, Brigagliano & Nightingale, LLP, 180 Sutter Street, Fifth Floor, San Francisco, CA 94104.

On April 30, 2007, I caused to be served the within:

MOTION TO DISMISS; AND [PROPOSED] ORDER

on the opposing counsel by depositing one copy thereof, enclosed in a sealed envelope with postage fully pre-paid, in a mailbox regularly maintained by the United States Postal Service at San Francisco, California, addressed as follows:

Ila Deiss
Office of the U.S. Attorney
Northern District of California
450 Golden Gate Avenue,
Box 36055
San Francisco, CA 94102

Executed on April 30, 2007, at San Francisco, California. I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

/s/
Zachary Nightingale
Declarant